

108TH CONGRESS
2D SESSION

H. R. 4056

To encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2004

Mr. MICA (for himself, Mr. DEFAZIO, and Mr. ISRAEL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To encourage the establishment of both long-term and short-term programs to address the threat of man-portable air defense systems (MANPADS) to commercial aviation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commercial Aviation
5 MANPADS Defense Act of 2004”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) MANPADS constitute a threat to military
2 and civilian aircraft.

3 (2) The threat posed by MANPADS requires
4 the development of both short-term and long-term
5 plans.

6 (3) The threat posed by MANPADS requires
7 an international as well as domestic response.

8 (4) There should be an international effort to
9 address the issues of MANPADS proliferation and
10 defense.

11 (5) The Government is pursuing and should
12 continue to pursue diplomatic efforts to prevent the
13 proliferation of MANPADS.

14 **SEC. 3. INTERNATIONAL COOPERATIVE EFFORTS.**

15 (a) TO LIMIT AVAILABILITY AND TRANSFER OF
16 MANPADS.—The President is encouraged to pursue fur-
17 ther strong international diplomatic and cooperative ef-
18 forts, including bilateral and multilateral treaties, in the
19 appropriate forum to limit the availability, transfer, and
20 proliferation of MANPADS worldwide.

21 (b) TO ACHIEVE DESTRUCTION OF MANPADS.—
22 The President should continue to pursue further strong
23 international diplomatic and cooperative efforts, including
24 bilateral and multilateral treaties, in the appropriate

1 forum to assure the destruction of excess, obsolete, and
2 illicit stocks of MANPADS worldwide.

3 (c) REPORTING AND BRIEFING REQUIREMENTS.—

4 Not later than 180 days after the date of enactment of
5 this Act, the President shall transmit to the appropriate
6 congressional committees a report that contains a detailed
7 description of the status of diplomatic efforts under sub-
8 sections (a) and (b). Annually thereafter until completion
9 of such diplomatic efforts, the Secretary of State shall
10 brief the appropriate congressional committees on the sta-
11 tus of such diplomatic efforts.

12 **SEC. 4. FAA AIRWORTHINESS CERTIFICATION OF MISSILE**
13 **DEFENSE SYSTEMS FOR COMMERCIAL AIR-**
14 **CRAFT.**

15 (a) IN GENERAL.—Not later than 30 days after the
16 date of enactment of this Act, the Administrator of the
17 Federal Aviation Administration shall establish a process
18 for conducting airworthiness and safety certification of
19 missile defense systems for commercial aircraft.

20 (b) CERTIFICATION ACCEPTANCE.—Under the proc-
21 ess, the Administrator shall accept the certification of the
22 Department of Homeland Security that a missile defense
23 system is effective and does not pose a danger when used
24 to defend commercial aircraft against MANPADS.

1 (c) EXPEDITIOUS CERTIFICATION.—Under the proc-
2 ess, the Administrator shall expedite the airworthiness and
3 safety certification of missile defense systems for commer-
4 cial aircraft.

5 (d) REPORTS.—Not later than 180 days after the ini-
6 tiation of certification procedures for missile defense sys-
7 tems for commercial aircraft, and every 6 months there-
8 after until complete, the Federal Aviation Administration
9 shall transmit to the Committee on Transportation and
10 Infrastructure of the House of Representatives and the
11 Committee on Commerce, Science, and Transportation of
12 the Senate a report that contains a detailed description
13 of the status of airworthiness and safety certification.

14 **SEC. 5. PROGRAMS TO REDUCE MANPADS.**

15 (a) IN GENERAL.—The President is encouraged to
16 pursue strong programs to reduce the number of
17 MANPADS worldwide so that fewer MANPADS will be
18 available for trade, proliferation, and sale.

19 (b) REPORTING AND BRIEFING REQUIREMENTS.—
20 Not later than 180 days after the date of enactment of
21 this Act, the President shall transmit to the appropriate
22 congressional committees a report that contains a detailed
23 description of the status of the programs being pursued
24 under subsection (a). Annually thereafter until the pro-
25 grams are no longer needed, the Secretary of State shall

1 brief the appropriate congressional committees on the sta-
2 tus of programs.

3 (c) FUNDING.—There is authorized to be appro-
4 priated such sums as may be necessary to carry out this
5 section.

6 **SEC. 6. MANPADS VULNERABILITY ASSESSMENTS REPORT.**

7 (a) IN GENERAL.—Not later than one year after the
8 date of enactment of this Act, the Secretary of Homeland
9 Security shall transmit to the Committee on Transpor-
10 tation and Infrastructure of the House of Representatives
11 and the Committee on Commerce, Science, and Transpor-
12 tation of the Senate a report describing the Department
13 of Homeland Security’s plans to secure airports and the
14 aircraft arriving and departing from airports against
15 MANPADS attacks.

16 (b) MATTERS TO BE ADDRESSED.—The Secretary’s
17 report shall address, at a minimum, the following:

18 (1) The status of the Department’s efforts to
19 conduct MANPADS vulnerability assessments at
20 United States airports at which the Department is
21 conducting assessments.

22 (2) How intelligence is shared between the
23 United States intelligence agencies and Federal,
24 State, and local law enforcement to address the

1 MANPADS threat and potential ways to improve
2 such intelligence sharing.

3 (3) Contingency plans that the Department has
4 developed in the event that it receives intelligence in-
5 dicating a high threat of MANPADS attack on air-
6 craft at or near United States airports.

7 (4) The feasibility and effectiveness of imple-
8 menting public education and neighborhood watch
9 programs in areas surrounding United States air-
10 ports in cases in which intelligence reports indicate
11 there is a high risk of MANPADS attacks on air-
12 craft.

13 (5) Any other issues that the Secretary deems
14 relevant.

15 (c) **FORMAT.**—The report required by this section
16 may be submitted in a classified format.

17 **SEC. 7. DEFINITIONS.**

18 In this Act, the following definitions apply:

19 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
20 **TEES.**—The term “appropriate congressional com-
21 mittees” means—

22 (A) the Committee on Armed Services, the
23 Committee on International Relations, and the
24 Committee on Transportation and Infrastruc-
25 ture of the House of Representatives; and

1 (B) the Committee on Armed Services, the
2 Committee on Foreign Relations, and the Com-
3 mittee on Commerce, Science, and Transpor-
4 tation of the Senate.

5 (2) MANPADS.—The term “MANPADS”
6 means man-portable air defense systems, which are
7 shoulder-fired, surface-to-air missile systems that
8 can be carried and transported by a person.

○